

Accordingly, and for the reasons discussed below, FPHW respectfully requests that it be dismissed from this lawsuit pursuant to Rule 12(b)(6).

STANDARD OF REVIEW

To survive a motion to dismiss under Rule 12(b)(6), the Complaint must contain sufficient factual matter to state a claim that is “plausible on its face.”¹ The factual allegations must be sufficient to raise the right to relief above a speculative level.² Where the facts do not permit the court to infer more than the mere possibility of misconduct, the Complaint has stopped short of showing that the pleader is plausibly entitled to relief.³ While the Court must construe the claims in light most favorable to plaintiff, it need not consider legal conclusions couched as factual allegations.⁴

ARGUMENTS AND AUTHORITIES

Plaintiff’s Complaint contains no allegations whatsoever, factual or legal, regarding FPHW, therefore making Plaintiff’s Complaint as it relates to FPHW woefully inadequate. Plaintiff describes in detail the alleged actions of the other defendants, but not FPHW. There is no assertion, allegation, or even mention of FPHW engaging in any actionable conduct anywhere in the Complaint.

This is not surprising because Plaintiff clearly does not possess any valid claims against FPHW. FPHW, a law firm that has served as counsel to some of the other defendants herein, never provided any legal representation or advice to Plaintiff whatsoever, and Plaintiff never engaged

¹ *Bell Atl. Corp. v. Twombly*, 550 U.S. 555, 570 (2007).

² *Id.* at 555.

³ *Id.* at 557.

⁴ *Ashcroft v. Iqbal*, 556 U.S. 602, 678 (2009).

FPHW to perform any legal services on her behalf.⁵ Furthermore, FPHW never employed Plaintiff in any capacity, so Plaintiff has no basis to assert any employment discrimination claims in this lawsuit against FPHW.

Due to the complete lack of allegations against it, FPHW respectfully requests that the Court dismiss it from the lawsuit pursuant to Rule 12(b)(6) as Plaintiff has failed to state a claim against FPHW upon which relief can be granted.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Farmer, Price, Hornsby & Weatherford, LLP respectfully request that this Court dismiss any and all claims against it with prejudice such that it is no longer a party to this lawsuit, and for such other and further relief, at law or in equity, to which it is justly entitled.

Respectfully submitted,

/s/ Greg K. Winslett
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⁵ *First Nat. Bank of Durant v. Trans. Terra Corp. Intern.*, 142 F.3d 802, 807 (5th Cir. 1998) (holding that a non-client has no third party claim against an attorney when that attorney did not provide any representation or advice to the non-client).

CERTIFICATE OF SERVICE

I certify that on the 21st day of July 2017, a true and correct copy of the foregoing was sent to Plaintiff Gwendolyn Wright, pro se, as follows:

Via Certified Mail

Gwendolyn Wright
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Spring, TX 77389
Pro Se Plaintiff

/s/ Greg K. Winslett
GREG K. WINSLETT